

DATE 9-13-07

APPLICATION NUMBER 08/425111

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re : Patent Term Extension Application for
U.S. Patent No. 5,610,163
Issued : March 11, 1997
Inventors : Banholzer et al.
For : ESTERS OF THIENYL CARBOXYLIC ACIDS AND AMINO
ALCOHOLS AND THEIR QUATERNIZATION PRODUCTS
Docket No. : 1/844-3-C3

Mail Stop Hatch-Waxman PTE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 4, 2007

PETITION TO APPLY PATENT TERM EXTENSION TO
U.S. PATENT NO. RE39,820 UNDER 37 CFR §§ 1.182

Sir:

On March 23, 2007, the Office of Patent Legal Administration mailed the decision to grant Applicants' request for a stay of processing the patent term extension application for U.S. Patent No. 5,610,163 (PTE application), pending the outcome of reissue application (U.S. Application No. 11/254,213) filed in connection with the PTE application. In that decision, Applicants were given a period of six (6) months from the mailing date of that decision to allow the prosecution of the reissue application to conclude. As of today, September 4, 2007, the reissue application has issued as U.S. Patent No. RE39,820. Applicants hereby request that the certificate of extension of patent term of the PTE application be applied to U.S. Patent No. RE39,820.

The fee set forth in 37 CFR § 1.17(f) for this petition is \$400.00 and will be paid during electronic filing via the Revenue Accounting and Management System. However, if it is determined that any additional fees under 37 C.F.R. §§ 1.16 and 1.17 are due in connection with this Petition, the Director is hereby authorized to charge such fees, and/or to credit any overpayment, to Deposit Account No. 02-2955.

Respectfully submitted,

/Mary-Ellen M. Devlin/

Mary-Ellen M. Devlin
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Ms. Mary C. Till
Office of Patent Legal Administration
Office of the Deputy Commissioner for Patent Examination Policy
571-272-7755
571-273-7755

Boehringer Ingelheim
Pharmaceuticals Inc.

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September 4, 2007

RE: Petition to Apply PTE to Reissue

Dear Mary,

Per our discussion, attached is a copy of the paper that was filed via EFS today.

Best regards,
Wendy

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